

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARPENTERS PENSION TRUST FUND)	Case No. 13-cv-01063-SC
FOR NORTHERN CALIFORNIA, et al.,)	
Plaintiffs,)	ORDER DENYING PLAINTIFFS'
)	<u>MOTION TO FILE UNDER SEAL</u>
v.)	
)	
LINDQUIST FAMILY LLC, et al.,)	
Defendants.)	
)	
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)	
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Now before the Court is Plaintiffs' motion to file under seal Exhibit C to the declaration of Donna L. Kirchner. ECF No. 75. No defendant has filed any response to that motion.

Plaintiffs' justification for filing Exhibit C to the Kirchner declaration under seal is that Defendant Lindquist Family LLC has designated the document confidential pursuant to a protective order entered in a related case. Plaintiffs filed this motion on September 12 and served a copy of the motion and document sought to be sealed upon Defendants. ECF No. 75-1 ("Kirchner Decl."). Civil Local Rule 79(e)(1) applies to motions to seal when the party submitting the allegedly sealable document (the "Submitting Party")

1 is not the party who has designated the document as confidential
2 (the "Designating Party"). That rule requires that "[w]ithin 4
3 days of the filing of the Administrative Motion to File Under Seal,
4 the Designating Party must file a declaration as required by
5 subsection 79-5(d)(1)(A) establishing that all of the designated
6 material is sealable." Defendants have failed to file such a
7 declaration, and it is now over a month since Plaintiffs originally
8 filed their motion.

9 Therefore, Plaintiffs' motion to file Exhibit C to the
10 Kirchner declaration under seal is DENIED. In accordance with
11 Civil Local Rule 79-5(e)(2), Plaintiffs shall file Exhibit C in the
12 public record no earlier than four (4) days and no later than ten
13 (10) days after the signature date of this order. See, e.g.,
14 Delphix Corp. v. Actifio, Inc., No. 13-CV-04613-BLF, 2014 WL
15 4145520, at *2 (N.D. Cal. Aug. 20, 2014).

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17 IT IS SO ORDERED.

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19 Dated: October 31, 2014

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22 UNITED STATES DISTRICT JUDGE
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